

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BRYAN FRANCIS,

Plaintiff,

vs.

**9:15-CV-901
(MAD/ATB)**

**KIMBERLY FIACCO, *also known as Kimberly Davidson*; RICHARD DESIMONE; DIANE
HOLFORD; and KRISTINA LENNON,**

Defendants.

APPEARANCES:

OF COUNSEL:

TABNER, RYAN & KENIRY, LLP
18 Corporate Woods Boulevard
Albany, New York 12211-2605
Attorneys for Plaintiff

**WILLIAM RYAN, JR., ESQ.
BRIAN M. QUINN, ESQ.**

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

LOUIS JIM, AAG

Mae A. D'Agostino, U.S. District Judge:

ORDER

Plaintiff commenced this action on January 13, 2014, alleging violations of the Fourth, Eighth, and Fourteen Amendment, arising from the lodging of a New York State detainer in May of 2007 while Plaintiff was being held in federal custody and the eventual refusal to lift the detainer in July 2010. *See* Dkt. No. 1. In a Memorandum-Decision and Order dated March 16, 2018, the Court granted in part and denied in part Defendants' motion for summary judgment. *See*

Dkt. No. 67. Specifically, the Court held that the Defendants' conduct violated the Eighth and Fourteenth Amendments and rejected their qualified immunity defense. *See id.*

On April 10, 2018, Defendants filed an interlocutory appeal, challenging this Court's denial of their motion for summary judgment on qualified immunity. *See* Dkt. No. 68. On November 12, 2019, the Second Circuit reversed this Court's March 16, 2018 Memorandum-Decision and Order and remanded the case with instructions to grant Defendants' motion for summary judgment. *See* Dkt. No. 74.

Accordingly, pursuant to the mandate of the Second Circuit dated December 3, 2019, the Court hereby

ORDERS that Defendants' motion for summary judgment (Dkt. No. 62) is **GRANTED in its entirety**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in Defendants' favor and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: December 12, 2019
Albany, New York


Mae A. D'Agostino
U.S. District Judge